
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u>	<u>Transmittal No.</u> 03RM-12
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<input type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Evaluator Manual Holders	

Subject:

Reference Material – Documentation Section

Reason For Change:

Clarification regarding when to include staff person's names on LIC 809s.

Filing Instructions:☒ REMOVE – Pages 10 - 11☒ INSERT – Pages 10 -11

Approved:***Signed by Linda Inglett for***

11-6-03

MELISSA MILLER, Program Administrator
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Date

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All the forms referred to in this document are available on the Department of Social Services web site at: <http://www.cclld.ca.gov>.

3-3010 GENERAL STATEMENT**3-3010**

As a regulatory enforcement agency, the Community Care Licensing Division is responsible for assuring that licensed facilities are in compliance with licensing laws and regulations. In order to document the level of facility compliance, a licensing record is established. Necessary forms and information for the record are completed by the facility to verify licensing compliance. In addition, the licensing agency separately documents its evaluation of the facility and its services. The Licensing Report (LIC 809) is the primary document used to document the level of facility compliance. (All the forms referred to in this document are available on the Department of Social Services web site at: <http://www.cclcd.ca.gov>.) Due to a number of complex laws and regulations pertaining to the acquisition and maintenance of facility information, records and forms must be separated based on whether the information is public, personal or confidential. (See Reference Material Section 2-6000 Office Functions – Public, Personal, Confidential Information).

3-3100 DOCUMENTATION: LICENSING REPORT**3-3100**

In general, the Licensing Report is a negative report in that it focuses on deficiencies. When supportive comments are formally reported, they should be objective, factual and time limited, and specific to the condition(s) observed during the visit. If, for example, prior to the unannounced visit, the facility history consisted of an unclean kitchen area, it would be appropriate to comment that the kitchen area was clean at the time of the visit.

Examples of overly broad comments are such things as “the facility is always clean”, “the licensee does an excellent job”, or “in my opinion this is an excellent facility”. Such comments should never be made as it would be very difficult to take legal action against the facility if conditions deteriorate.

At a minimum each report must show:

1. Who (which Evaluator) made the visit;
2. Who was in charge;
3. Purpose of the visit;
4. Type of facility review (facility toured, records reviewed, clients observed or interviewed, staff interviewed).
5. How conclusion of findings were reached. Include any other forms/documents used (LIC 857/LIC 811).
6. Deficiencies observed and cited;
7. Each finding requires an explanation of the immediate or potential impact on clients and/or facility’s plan of operation or how a specific statute or regulation was violated.
8. Plan of correction.

3-3100 DOCUMENTATION LICENSING REPORT (Continued)**3-3100**

The Licensing Program Analyst must be able to justify his/her findings and the course of action provided to the licensee to ensure correction. Those regulations or statutes that are general and open to interpretation require an explanation of the immediate or potential impact on clients or the facility's plan of operation. The Licensing Program Analyst must determine and analyze how or in what way a particular incident or condition will result in harm to clients. The responsibility for identifying the adverse impact to clients and providing justification to support the reason for a citation is on the Licensing Program Analyst. This information will enable the licensee to better understand a deficiency citation in terms of the nature of the problem, why it requires correction and what is needed to assure substantial compliance.

If no deficiencies were observed, state on your report "in the areas that were evaluated, no deficiencies were observed at the time of the visit." Do not document subjective comments such as "This is a good facility".

Refer to Sections 10119³ and 10120¹ for **Child Care Centers**; Sections 80045 and 80052 for Child Care Facilities and Sections 87345 and 87452 for Residential Care Facilities for the Elderly.

All annual visits will be documented on the **Licensing Report (LIC 809)**.

The Licensing Program Analyst must cite all deficiencies in the order of seriousness starting with Type A (immediate risk violations). Place a check mark in the appropriate box for the type of violations cited on each licensing report. If no citation is issued, place a check mark in the box "No Deficiency Cited".

3-3105 SEPARATE LICENSING REPORTS FOR COMPLAINT VISITS FOR ALL CATEGORIES**3-3105**

Licensing staff must document all findings relative to a complaint visit on the Complaint Investigation Report (LIC 9099). Any other deficiencies found during the site visit which are unrelated to the complaint are to be written on a separate LIC 809. This requirement applies to all facility categories.

As an example, a complaint is received alleging inadequate supervision. While at the facility investigating the complaint, the Licensing Program Analyst observes a broken window and cockroaches on the walls. Because the complaint had nothing to do with a broken window or the cockroaches, two separate reports are required; the LIC 9099 dealing with the complaint and the findings thereof and the LIC 809 dealing with the broken window and cockroaches. The same requirement applies when a complaint investigation is done in conjunction with an annual visit or plan of correction visit.

If one complaint visit is made in response to two or more separate complaints and/or multiple allegations, a separate LIC 9099 must be used for each allegation unless two or more allegations are unfounded, substantiated or inconclusive and the Licensing Program Analyst is able to document more than one allegation on each LIC 9099. Please refer to Section 3-3125 on the LIC 9099. Any unrelated deficiencies found while making the site visit for the complaint(s) must be documented on the LIC 809. The Licensing Program Analyst should check the box "Other" under Type of Visit on the LIC 809 for the unrelated deficiencies found during a complaint visit.

**3-3110 SINGLE LICENSING REPORT FOR COMBINATION
CHILD CARE CENTERS****3-3110**

The Licensing Report (LIC 809) is used for a combination Child Care Center visit when the same type of visit, i.e. annual, is being made to each component of the Child Care Center. The LIC 9099 must be used when conducting a complaint investigation and must not be combined with any other deficiencies found during the site visit. (Refer to Section 3-3105).

When writing the licensing report for a combination center, there must be a clear separation on the report showing which section of the report refers to each component of the Child Care Center. If the identical deficiency is cited for the other components of the combination center, an asterisk (*) with applicable regulation section number may be used to cross-reference those deficiencies that are identical. This procedure is not mandatory, but can be used to save the licensing evaluator from having to write the same deficiency out two or three times on the LIC 9090D (laptop users) or the LIC 809 (non-laptop users). Additionally, all Type A violations must be separated from Type B violations. Refer to Section 3-3100 "Licensing Reports" for procedures on separating the Type A and Type B violations.

In addition, each component's director or authorized representative must sign at the end of the section that applies to their particular component. If there is only one director for the entire combination center, a single signature on the bottom of the form is sufficient. The Licensing Program Analyst must explain appeal rights. The director(s) must then initial at the bottom of the form certifying that they understand these rights. After returning to the office, a photocopy of the single report must be placed in each component's licensing file.

3-3120 INTRODUCTORY STATEMENT/STATEMENT OF FINDINGS**3-3120**

The Licensing Report (LIC 809) must have the top part of the first page fully completed. This includes the time entering and exiting the facility and the address and telephone number of the licensing agency. The additional pages must show the facility name and license number, the date and page references and all pages must be signed and dated by the Evaluator and the licensee or designated facility representative.

The introductory paragraph no longer needs to be written by the Licensing Program Analyst. The information, normally written in paragraph form, can be completed by placing the basic who, what and where information in the appropriate boxes. The licensing report will start out with a brief statement like "The Licensing Program Analyst toured facility, spoke to three clients and the following violations of the California Code of Regulations, Title 22, Division 6 or 12, deficiencies were observed."

3-3125 COMPLAINT INVESTIGATION REPORT (LIC 9099)**3-3125**

The official form for documenting the investigation of a complaint is the Complaint Investigation Report (LIC 9099). Refer to the Complaint Section of your Evaluator Manual, Section 3-2315 on “Documenting the Investigation”.

The LIC 9099 should include an identification of who conducted the investigation, the purpose of the visit, who was contacted at the facility, followed by the complaint allegation(s). It is no longer necessary to use letters when listing the allegations. If more than one allegation is documented on the LIC 9099, begin each allegation with a dash (-). Most of the top portion of the form and the complaint allegation may be completed, using the information on the LIC 802 (Complaint Report). The LIC 9099 has been designed to accommodate one allegation per form. However, the Licensing Program Analyst may document more than one allegation per form provided space is available and the findings are the same for each allegation, i.e. all unfounded, substantiated, inconclusive or needs further investigation. Also, it is not appropriate to lump all food service or physical plant allegations under one allegation. For example, if the complaint received is for no menus, dirty kitchen and client is being deprived of food in the facility, these allegations must be treated as three separate allegations.

For most State Licensing Program Analysts deficiencies are documented through the use of laptop computers. The procedure for documenting the deficiencies on the LIC 9099 and LIC 809 for non-laptop users remains the same. Allegations and findings are documented on the LIC 9099. Any deficiencies are documented on the LIC809. And any confidential comments for the record should be noted on the LIC812.

Laptop users also use the LIC9099. However, the LIC 9099D (laptop) is used to cite any deficiencies. The LIC 9099D is for laptop users only. Document the deficiencies and penalty notices under “Specific Deficiencies” and “Recommendations/Corrections. If there is more than one due date, document the Plan of Correction due date right underneath each deficiency. Otherwise use the canned language on the bottom of the form for deficiencies that have the same Plan of Correction due date. The deficiencies are numbered sequentially. No change from the process used on the LIC809.

After the Licensing Program Analyst completes documenting the investigation, the type of deficiency (A, B, or C) must be identified and documented on the far left corner of the column marked “Specific Deficiencies”, unless further investigation is necessary. It is not necessary to separate or prioritize the type of deficiency (A, B, or C) on separate LIC 9099Ds (laptop users) or 809s (non-laptop users). The separation will not apply to a complaint visit. Please note the introductory paragraph, “This is an official report of an unannounced...”, normally written by the Licensing Program Analyst, is already preprinted on the new LIC 9099 and a new box is available to place the name of the person the Evaluator “met with”. Refer to Section 3-3130 on Documenting Type C – Technical Violations on the Complaint Investigation Report.

If additional space is required to document the details of the allegation, findings or specific deficiencies, a LIC 9099C (for additional comments only) or a 9099D (deficiencies for laptop users) or a LIC 809 (for all purposes for a non-laptop user) may be used for this purpose. In the lower right portion of the LIC 9099, there is space to indicate the number of pages. This should always be filled in as Page 1 of 1, unless an additional page is required to complete the documentation; then the first page would be numbered Page 1 of 2 and the LIC 9099C or LIC9099D (for laptop users) or the LIC 809 (for non-laptop users) would be numbered Page 2 of 2, Page 3 of 3, etc.

3-3125 COMPLAINT INVESTIGATION REPORT (LIC 9099) (Continued) 3-3125**Non Laptop users**

LIC 9099 Documents allegations and findings	LIC 809 Documents deficiencies and PLAN OF CORRECTIONS based on findings	LIC 812 For additional confidential information or comments
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Laptop users

LIC 9099 Documents allegations and findings	LIC 9099D Document any deficiencies and PLAN OF CORRECTIONS based on findings	LIC 9099C Documents any additional comments	LIC 812 For additional confidential information or comments
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For all routine complaint investigations that are concluded during the facility visit, a copy of all completed documents (with the exception of the LIC 812 must be left with the licensee and/or facility representative.

There are occasions where the investigation cannot be completed during the initial facility visit due to the serious nature of the violation, e.g. physical or sexual abuse. Refer to the Complaint Section 3-2640 for details on notification procedures to the licensee regarding the specific nature of the allegation. In these cases, the box marked “Needs Further Investigation” on the LIC 9099 must be checked and must include an estimated time of completion for the investigation, such as 30, 45 or 90 days. **Do not check** the boxes marked “Public” or “Confidential” or identify the type of violation (A, B, or C) until the investigation has been completed and the conclusion reached. The bottom portion marked “Specific Deficiencies and Recommendations/Corrections are not completed at this time.” A follow-up visit will be made to the facility to complete the investigation unless an Accusation is to be served within 30 days or an informal conference is to be conducted. See Complaint Section 3-2640. The licensee and/or facility representative will sign on the signature box acknowledging receipt of this form and a copy of this report is left at the facility.

For further information and procedures, refer to Complaint Sections 3-2340 on “Exit Interview” and Section 3-2600 on “Complaints Alleging Abuse”.

Explanation of Process

1. The explanation begins with the complaint allegation. A dash (-) is placed in front if more than one allegation is listed.
2. The explanation describes the review used to evaluate the complaint.
3. The investigation findings are written in detail and specifics noted in order to support the resolution of each allegation.
4. The conclusion is checked either “substantiated”, “unfounded”, “inconclusive”, or “needs further evaluation”.
5. Begin by referencing the California Code of Regulations, Title 22, Division 12.
6. Number each deficiency cited on this form. See further details in Section 3-3135.

3-3130 DOCUMENTING TECHNICAL (TYPE C) VIOLATIONS ON THE COMPLAINT INVESTIGATION REPORT 3-3130

When an allegation of a technical violation is substantiated by the Licensing Program Analyst, the allegations(s) and findings must be documented on a separate LIC 9099. These violations will not be cited as deficiencies but will be noted on the LIC 9099 under "Investigation Findings" as a technical violation. For example, the Licensing Program Analyst can write: "During my visit, I observed several tears on the curtain and determined there was no impact to the clients, presented no danger and did not effect the overall operation of the facility." This is considered a technical (Type C) violation and no citation is being issued at this time. The "Specific Deficiencies" and "Recommendations/Corrections" are left blank because Technical Violations are, in most instances, never cited unless there is evidence of deterioration of the overall condition of the facility, impact on clients, and/or facility's plan of operation.

3-3135 DOCUMENTING DEFICIENCIES AND PENALTY NOTICE 3-3135

The licensing report should then go on to cite the facility for observed deficiencies as demonstrated by the following example:

SPECIFIC DEFICIENCIES	RECOMMENDATIONS/CORRECTIONS
The following violations of the California Code of Regulations.	
Title 22; Division 12, were observed:	
^{1/} 1. ^{2/} 101223(a)(3) ^{3/} Personal Rights 2. 101323.1(a) Discipline	
^{4/} Staff #2 is currently administering corporal punishment to the children	
by spanking them with a paddle. This presents an immediate harm	
to the mental and physical well being of children in the facility. ^{5/} This	
practice must cease immediately. A written plan outlining how this	
violation will be avoided in the future must be submitted to the	
licensing office by (date) failure to correct this deficiency by (date)	
may result in a civil penalty of \$50 or more per day.	

Laptop users document across the screen format. This includes the PLAN OF CORRECTION which is typed in by the Licensing Program Analyst, but dictated by the provider.

Failure to correct the deficiency(ies) cited above by (DATE) may result in a civil penalty of \$50 or more per day. ^{6/}

Explanation of Cited Deficiency

- 1/ Begin by numbering the deficiencies.
- 2/ Show regulation reference code.
- 3/ Show title of code section.
- 4/ Show how regulation was violated.
- 5/ Show the plan of correction. Add the due date at the end of the deficiency if there are different due dates for individual, separate, citations.
- 6/ Complete this line if the Plan of Correction due date is the same for all deficiencies cited on this form.

NOTE: Foster Family Homes, Family Child Care Homes, and Government agencies are not subject to Compliance Plans.

3-3140 WRITING THE LICENSING REPORT (LIC 809)**3-3140**

- Complete the Licensing Report after touring the facility, interviewing clients, and completing other support documentation.
- Request a work space where you can complete the report. The space should afford you the ability to concentrate and be relatively free of distractions. It should be on the premises. Consider using your car only at a last resort.
- **Laptop user should ask permission to use electrical outlets.**
- Make the report legible. Press hard enough to make the copies legible. Work slowly enough to have a neat work product.
- Complete the LIC 809 Facility Evaluation Report even if no deficiencies were found.
- Be sure all spaces at the top of the form are completed (including time the visit began and time completed).
- Document the visit and clearly show the purpose of the visit and complete the basic who, what, where, boxes.
- If facilities are to be cited, indicate: "The following deficiencies were observed:"
- When indicating the section of the regulations (or statutes) found not to be in compliance, also indicate the specific subsection, if any. Be sure to show parenthesis, and upper and lower case (e.g. Section 87610 (a) (5) (A)).
- List the regulation number and section. It is important that the Evaluator indicate **HOW** the regulation was violated and what was observed that was not in compliance with licensing requirements. Describe this fully by using complete sentences.
- Number each deficiency sequentially.
- Justify all deficiencies (findings) and the course of action provided to the licensee to ensure correction.
- Each finding requires an explanation of the immediate or potential impact on clients and/or facility's plan of operation or how a specific statute or regulation was violated.
- Do not include detailed narratives on the Licensing Report, unless it is relevant to the deficiencies cited or has other special significance relative to the overall visit. Utilize the LIC 812. Detail Support Information form for confidential interviews and other significant narrative reporting. This form (LIC 812) is not to be cross-referenced on the Licensing Report.

3-3140 WRITING THE LICENSING REPORT (LIC 809) (Continued)**3-3140**

- Write the report in the “third person”. Refer to “the administrator” rather than “you”; refer to the “the facility” or “the home” rather than “your facility” and refer to the “the regulations” rather than “our regulations”.
- Limit the written citation narrative to the column on the left side of the page. The column on the right side of the page should be reserved for the facility administrator to complete the Plan of Correction unless the Evaluator’s assistance is requested or indicated. Refer to the last bullet on this page.
- **Laptop users the citation narrative goes across the document. There is no delineation between left side and right side on the system. The plan of correction is directly under the citation (also across the page). The plan of correction is dictated to the evaluator for input on to the laptop.**
- Use a separate LIC 9099 form for complaint visits. (See Documentation Section 3-3125).
- Prior to completion of a visit, the licensee, or the person in charge of the facility must meet with the Evaluator to discuss any deficiencies noted, to jointly develop a plan for correcting each deficiency and to acknowledge receipt of the notice of deficiency.
- If the licensee is unable and/or needs assistance with filling out the Plan of Correction it is acceptable for the Evaluator to complete the documentation and to have the provider initial each section documented by the Evaluator. The Evaluator must not complete the documentation merely upon the provider’s request when the provider is capable of completing the documentation on their own.
- **Laptop users will type the plan of correction onto the system as dictated by the licensee. The provider must initial each section documented by the Evaluator after it has been printed.**
- If the licensee, or the licensee’s representative, declines to sign the Licensing Report for any reason document the refusal at the end of the report and inform the licensee, or their representative, that you have done so.

3-3200 DETAIL SUPPORTIVE INFORMATION (LIC 812)**3-3200**

The Detail Supportive Information (LIC 812) is generally used in conjunction with the LIC 809 and LIC 9099 to document confidential information and is always considered a confidential form. It is particularly useful in a problem facility where a more detailed explanation is needed to support your decisions or to document information that is necessary for the record. The information may include observations, or conditions that may affect the seriousness of the violation. On a food complaint, it may be important to note the frail condition of a client and/or weight loss. The LIC 812 is also used to document confidential interviews of clients, victims and witnesses. Often the form is completed after the exit conference and is used to organize notes and observations made during the visit.

3-3300 CONFIDENTIAL NAMES (LIC 811)**3-3300**

The LIC 809 is a public document. Often there is information that needs to be documented that is not public information. Names of persons served in the facility, for example, are considered confidential under the Welfare and Institutions Code. When it becomes necessary to document names of clients, a Confidential Names (LIC 811) form should be used.

When the deficiencies involve clients that need to be identified for the facility, but not to the public, the LIC 809 should give reference to the LIC 811. For example, the facility may be cited for not having admission agreements for two clients. The LIC 809 should state “for names of clients, refer to the Confidential Names form dated March 11, 1991”. The same concept should be used for employees that are minors.

Employees’ names are generally not confidential; however, if there is an employee that has requested anonymity (e.g., prior to making a statement) the name should be written on the LIC 811 and not on the LIC 809. Additionally, if an employee has been named in an allegation of abuse, the name of that employee should not be listed on the LIC 809. Employee’s names may, however, be documented on an LIC 809 upon substantiation of an abuse violation.

3-3400 FACILITY REVIEW REGULATION INDEX**3-3400**

The Facility Review Regulation Index, for each facility type, should be used as a training and reference tool by the Evaluator when conducting a facility site visit. A copy of the category specific index may be left with the licensee in preparation for their next facility site visit.

The purpose of the Facility Review Indices is to aid the Evaluator in citing deficiencies observed during a site visit. It serves as a guide to the most common licensing laws and regulations, but is not a complete list, may not be as up-to-date as the licensing regulations, and should not be used to replace licensing regulations in citing facilities. (The licensing regulations are identified by the section numbers in your evaluator manual, Title 22, California Code of Regulations).

The Licensing Report is the official form to be used in citing deficiencies along with an appropriate plan of correction. A copy of this form is to be given to the licensee upon completion of all site visits. The Facility Review Regulation Indices are not to be cross referenced on the licensing report.

Whenever noncompliances are found in any of the items listed on the Facility Review indicates, those deficiencies must be listed on the licensing report with a reference to identify the section of the statute or regulations upon which the deficiency is based. Following the code section will be an explanation of the violation of the code, the location of the deficiency, the plan of correction and the date for correction. A copy of the licensing report is provided as a licensing record to the facility.

3-3510 PHOTOGRAPHY REPORT (LIC 813)**3-3510**

A photograph is very helpful in documenting certain types of deficiencies. One type of camera to use, if available, is one that requires 35 mm or 110 film. Video cameras can also be useful when documenting deficiencies.

3-3510 PHOTOGRAPHY REPORT (LIC 813) (Continued)**3-3510**

As you take pictures or videos, complete the LIC 813 showing the sequence of pictures, 24-hour time, subject matter, subject distance (if needed) and the location of that violation. When the film is developed, the information from the LIC 813 should be typed on a label and affixed to the back of each picture or on the video cassette. For example, a picture of a dirty/broken toilet may state "Jones Home, file #340041, March 15, 1990, 1800 hours, toilet in client room, #3. Toilet has broken top, see Item 6 on LIC 809 cited, March 15, 1990. Taken by John T. Rock." Video cameras can be programmed to show the date and time of the recording and have audio capabilities so the Licensing Program Analyst can narrate the deficiencies.

You have the right to take pictures or videos in the facility, however, if the subject involves children, clients or staff members, obtain their permission before taking their picture or video. For children, consent should be obtained from their authorized representative. If possible, avoid taking any "head shots", i.e., pictures or videos of an individual's face. Document on the LIC 812 that such permission was obtained.

Unless prior approval has been obtained from the Deputy Director through the Statewide Program Manager or County Licensing Supervisor, do not use video tape equipment to record interviews and/or evidence.

3-3520 DECLARATIONS FORM (LIC 855)**3-3520**

An important type of evidence is the statement of a witness. The Department does not usually seek written statements of witnesses unless it appears that the deficiency is very serious and may result in legal action. An investigator is often responsible for obtaining the statement. However, there are occasions, because of the limited availability of the witness, or lack of time to make a referral to Investigations, or the probability that the witness may change his/her story, that you should proceed to take the declaration of a witness. The use of the Declaration (LIC 855) Form to accept a statement is helpful, but not required as a declaration can be written on any piece of paper. The LIC 855 should clearly identify who the person is and, if possible, how he/she may be contacted (address and telephone number). It should state that the statement is voluntarily given and to whom it is given, preferably the statement is written by the witness; however, if he/she has difficulty writing, you may write it. Ask the witness to read the statement back before signing it.

The LIC 855 should conclude with a statement that the declaration is true and correct to the knowledge of the witness. It should then show the date, location, both city and county, and must be signed by both the Evaluator and the witness. When taking a declaration, each page needs to be numbered and signed on the bottom.

If the person is unable to read, a written statement is of no value. The Evaluator should summarize relevant testimony on the LIC 812.

3-3530 INVENTORIES**3-3530**

An important supportive documentation in some facilities is an inventory of a deficient area. If, for example, you are investigating a food complaint and discover the facility does not have a sufficient supply of food to meet the minimum requirements, it may be appropriate for you to inventory the exact amount of food in the facility. Usually an inventory is appropriate if there have been repeated deficiencies documented, and it appears that Community Care Licensing Division will take legal action. A special form is not needed to inventory a problem area (a LIC 812 may be used). It is important that the inventory is complete (has the facility name and address on the list) and that you sign and date it.

3-3600 PLAN OF CORRECTION**3-3600**

The Plan of Correction is a means by which licensees/administrators can communicate to the licensing agency and to the public their intentions of bringing their facility into substantial compliance. Plan of Corrections are defined in the regulation: See California Code of Regulations Sections 80052, 87052, 87452, 101193 and supplemental interpretative Regulation Interpretations and Procedures (“Blues”) information.

The Plan of Correction is usually written on the Licensing Report, however, licensees may decide to submit a written Plan of Correction on letterhead stationery at a later date. Plan of Corrections are generally filed in the public section of the Regional Office’s facility files; the exception to the rule occurs when client’s names or other legally defined confidential material is part of the Plan of Correction. (See Reference Material Office Functions Section 2-6500).

As described in Section 3-3140 Writing the Licensing Report, the body of the Licensing Reports are divided into two columns, the column on the right side of the forms is reserved for insertion of the Plan of Correction after violations have been recorded.

LAPTOP USERS the system does not delineate between right and left sides. Consequently the citation and plan of correction is written across the form on the screen.

The Plan of Correction is to be completed by the facility administrator/director on the column on the right side of the Licensing Report. If the licensee is unable to fill out the Plan of Correction, it is acceptable for the Evaluator to complete the documentation and to have the administrator/director initial each section documented by the Evaluator. The Evaluator must not complete the documentation merely upon the licensee’s request when the provider is capable of completing the Plan of Correction on their own; however, the Evaluator should remind the licensee/administrator that timeframes for correcting violations are specified in the regulation. (See California Code of Regulations Sections 80052, 87052, 87452 and 101193). After issuing a notice of deficiency to a facility licensee during any type of visit, the Evaluator is also responsible for ensuring that the corrections are completed and are done so within the required timeframes specified on the written Plan of Correction.

LAPTOP USERS the Evaluator must complete the documentation as dictated by the licensee. The administrator/director initial each section after the Evaluator has printed the report.

Whenever possible, allow the licensee to send proof of the correction to the licensing agency. A blank Proof of Correction Form (LIC 9098) is left with the licensee to complete and send in with the documentation proving that compliance has been achieved. The licensee is responsible for providing a specific Plan of Correction for each deficiency. All documentary evidence of correction(s) must be attached to the LIC 9098. This includes the self-certification options which are acceptable for Type B deficiency(ies) providing the Evaluator and the licensee have previously agreed on this specific type of correction. The form must be completed, signed, dated and sent in no later than the Plan of Correction due date specified on the Licensing Report. Failure to comply with this requirement may result in a Plan of Correction visit and civil penalty assessment.

3-3600 PLAN OF CORRECTION (Continued)**3-3600**

There are **three** ways of documenting the correction of previously cited violations:

1. **A** Plan of Correction visit to the facility and the use of the LIC 809, and the Civil Penalty Assessment Form (LIC 421), if appropriate. (See California Code of Regulations and supplemental Regulation and Interpretations and Procedures (“Blues”), Sections 80053, 87053, 87453 and 101194 and Reference Material Sections on “Complaints” and “Renewals”).
2. An Informal meeting during which time the licensee/administrator presents evidence of correction to the licensing supervisor who documents the results of this meeting on the LIC 809 or Detailed Supportive Information Form (LIC 812).

Proof of Correction Form (LIC 9098) which is used in lieu of the above methods whenever possible. By completing and submitting the LIC 9098, the licensee/administrator is furnishing reasonable evidence to the licensing agency that the facility is in compliance. Self-certification is a method for use during the exit conference whereby the licensee/administrator can promise in writing on the Licensing Report to correct agreed upon Type B violations in certain ways. Some examples are when the licensee agrees to replace the light bulbs, to adjust the water temperatures, to clean the floors or carpets, etc. Whenever self-certifications are used, the licensee is to check the box marked “Certification” on the LIC 9098 and sign and date the form. This certifies that the correction(s) has been made according to the Plan of Correction specified on the Licensing Report. If the certification is related to fingerprints, and the licensee chose to submit fingerprints on a card, the licensee is to include a photocopy of the fingerprint card. The date the fingerprint card was submitted to the Department of Justice must be entered in the “date corrected” column of the LIC 9098.

3. However, the use of the LIC 9098 by the licensee does not preclude the Evaluator from visiting the facility to confirm the correction if the Evaluator feels a visit to the facility is necessary.

The LIC 9098 is provided by the Evaluator to the licensee/administrator during the exit conference only when use of this form is an acceptable means of demonstrating compliance. This form may not be used when the violation(s) requires a facility visit to ensure compliance has been met by the licensee.

Upon receipt of the LIC 9098 the Evaluator should review for completeness and credibility. If the evaluator has concerns about the credibility of the documentation submitted a plan of correction visit **should** be made to the facility to confirm that the correction has been made. Refer to Section 3-3700 Proof of Corrections/Non Visits on processing the LIC 9098 from the licensees. Whenever possible, minor questions regarding the completeness of the documents should be handled by **telephone**. The Evaluator should be completely satisfied that the facility is in compliance. Under no circumstances should the LIC 9098 be approved for closure if there is doubt about whether the violations were corrected. Once approved, the LIC 9098 is retained in the facility file with the Licensing Report. Failure to achieve satisfactory compliance may result in follow-up visits and issuance of civil penalties.

3-3700 PROOF OF CORRECTION/NON-VISITS**3-3700**

In accordance with the Workload Reduction Program implemented by the Community Care Licensing Division in 1991, Plan of Correction verification by means other than a facility site visit will be emphasized when adequate verification can be achieved through other means. This will include situations where documentation of the correction can be achieved upon receipt of a photograph or a copy of a document, a work order, or **Livescan receipt verifying** that the licensee has submitted fingerprints to the Department of Justice. The procedures in this section would also apply to accepting and verifying evidence of compliance with applicable regulations after a preclicensing visit.

These procedures must be followed when verifying that the Plan of Correction on the Licensing Report (LIC 809) has been accomplished:

1. All proofs of correction in lieu of a visit must be submitted by the licensee/administrator on the Proof of Correction Form (LIC 9098) which is provided by the Evaluator during the exit conference.)
2. **Whenever self-certifications are used, the licensee is to check the box marked "Certification" on the LIC 9098 and sign and date the form. This certifies that the correction(s) has been made according to the Plan of Correction specified on the Licensing Report. If the certification is related to fingerprints, and the licensee chose to submit fingerprints on a card, the licensee is to include a photocopy of the fingerprint card. The date the fingerprint card was submitted to the Department of Justice must be entered in the "date corrected" column of the LIC 9098. **Please note:** Self-certification must only be accepted when there is no other means to verify that the licensee has corrected the deficiency. In order to be eligible to use "self-certification" option the provider must have a proven record of reliability. Under no condition is a facility with a poor record of compliance to be allowed to use the LIC 9098.**
3. Upon receipt of the requested verification, the Licensing Program Analyst is to analyze the information in order to determine whether or not the deficiency(ies) has been corrected according to the specific Plan of Correction on the Licensing Report. The Licensing Program Analyst is to notify the licensee, in writing, that the verification is sufficient and that the deficiency(ies) is cleared. The "1.11PLAN OF CORRECTIONltr" located in the Department of Social Services office automation common library is to be used for this purpose (see sample). If the verification received is deficient in any way, the Evaluator has the option of allowing the licensee to send in the additional information to correct the deficiency(ies) or plan a Plan of Correction visit to the facility. If the Evaluator chooses to allow the licensee to send in the additional information, a maximum of 15 days may be extended to the licensee to send in the missing information.
4. Failure to provide adequate proof of correction(s) by the date of the notice or the Plan of Correction due date specified on the Licensing Report may result in a visit to the facility and assessment of civil penalties of \$50 or more per day **(with the exception of Foster Family Homes and Child Care Homes.)** This is stated on the licensing report. See California Code of Regulations Sections 80054, 87454 and **101195** regarding Civil Penalties.

3-3700 PROOF OF CORRECTION/NON-VISITS (Continued)**3-3700**

A Plan of Correction visit is only necessary when the violation(s) that is uncorrected would impact the health and safety of clients and the Licensing Program Analyst has determined that:

The correction cannot be verified any other way.

The correction is not sufficient enough to determine that the deficiency(ies) has been corrected.

The licensee fails to submit the documentary evidence or certification to verify the deficiency(ies) has been corrected.

The facility's history of not correcting deficiencies on time would increase the risk of further non-compliance, or

The facility has been identified as a "problem facility".

The following letter is to be used to acknowledge receipt of Proof of Correction(s) and is located in the Department of Social Services office automation common library under Sublibrary "01.FACILITIES" as "1.11PLAN OF CORRECTIONltr".

3-3700 PROOF OF CORRECTION/NON-VISITS (Continued)**3-3700**

SAMPLE PLAN OF CORRECTION LETTER

Today's Date

Facility's Name:
Facility Address:

Facility Number:

Licensing Report Date:

Dear Licensee:

- () This is to confirm that you have cleared the deficiency(ies) cited on the Licensing Report by use of the Proof of Correction Form (LIC 9098). No further action on your part is necessary. Thank you for your prompt action.
- () Verification was either not received or was inadequate to substantiate that the deficiency(ies) cited on the Licensing Report were corrected. You need to provide the following additional documentation/information:

Please return a copy of this form and your documentary evidence of correction no later than _____. Failure to provide adequate proof of correction by this date may result in a visit to your facility and assessment of civil penalties of \$50 or more per day.

If you have any questions, please contact me.

Sincerely,

Licensing Program Analyst

Phone Number

Visit Type: () Annual () Comp () PLAN OF CORRECTION () Mgmt.

1.11.PLAN OF CORRECTIONltr12/91